THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. Nos. 13793, 13794 and 13795 of 2006

Common order:

The petitioners claim that they have passed SSC. They state that the Animal Husbandry Department had given them technical training in veterinary field under the Training of Rural Youth for Self-Employment Scheme (TRYSEM). They state that those who have undergone training under TRYSEM, were designated as Voluntary Veterinary Workers, and subsequently, it was re-designated as Gopala Mitra Workers. The petitioners state that they are eking out their livelihood by selling the artificial insemination supplied by the Animal Husbandry Department to the farmers on commission, and earning a sum of Rs.1,000/- to Rs.1,200/- per month. While so, it is their case that respondent No.1, namely the Director of Animal Husbandry, had issued memo dated 09.06.2006, informing the Joint Directors of Animal Husbandry, to avail the services of Hospital Attendants on outsourcing basis through respondent No.3, namely M/s. Spark Security and Maintenance Services, for a period of one year. It is this memo, which the petitioners seek to assail in the present writ petitions.

The learned counsel for the petitioners submitted that the petitioners were given technical training in veterinary field under TRYSEM, and they apart from selling the artificial insemination supplied by the Animal Husbandry Department to the farmers, were extending their services at the time of vaccination, first aid and taking remuneration of cattle. He further submitted that the petitioners are having more than ten years of experience in the veterinary field, and respondent No.1 by reason of the impugned memo, instead of

directing the Joint Directors to outsource the services of Hospital Attendants through respondent No.3, ought to have entrusted the work to the petitioners. He thus prayed to declare the impugned memo as illegal and arbitrary, and consequently to set aside the same.

Respondent No.1 filed counter on behalf of respondent Nos. 1 and 2. The learned Government Pleader for Animal Husbandry appearing on their behalf, while reiterating the counter averments submitted that the Animal Husbandry Department had not given any training to Gopala Mitra Workers. An amount of Rs.30,000/- was spent by A.P. Livestock Development Agency, for training of the petitioners. The said Agency, which was registered under the A.P. (Telangana Area) Public Societies Registration Act, 1350 Fasli, is entirely a different organization, and it came into existence under the National Project for Cattle and Buffalo Breeding of the Government of India. The said Agency has taken up the programme to improve the breeding activities by introducing private artificial insemination, by employing Gopala Mitras. The petitioners at the time of selection for training as Gopala Mitras, were informed that the programme is totally a self-employment programme, and it does not give them any right to claim any benefits, much less regular employment.

He submitted that as there is ban on recruitment of candidates for appointment of Attenders, the Government have accorded permission in G.O. Rt. No. 219, Animal Husbandry, Dairy Development and Fisheries (AH.II) Department, dated 09.05.2006 to avail services of Hospital Attendants for a period of one year on outsourcing basis, and the required expenditure would be met under 300 – Other Contractual Services within the Budget Estimates 2006-07. In pursuance thereof, respondent No.3 was selected to provide Hospital Attendants to the needy veterinary institutions.

He submitted that the Hospital Attendants are expected to function like ward boys, attending to cleanliness and sanitation in veterinary institutions, restrain the animals while administering the vaccines, medicines, treatment of animals by qualified technical staff. He submitted that there is no technical skill involved in the works expected to be discharged by the Hospital Attendants, and the role to be played by Gopala Mitras and Hospital Attendants is entirely different. He further submitted that Gopala Mitras, are trained for door to door artificial insemination while the Hospital Attendants are required to remove the dung, clean, wash and sweep the premises, and as such, the technical experience of the petitioners is of no use. He submitted that by engagement of Hospital Attendants, the petitioners are not going to lose their livelihood, for they can continue to conduct door to door artificial insemination and eke their livelihood. He thus prayed for dismissal of the writ petitions.

Heard the learned counsel for the petitioners and the learned Government Pleader for Animal Husbandry.

Admittedly, the period of contract for outsourcing Hospital Attendants through respondent No.3 is one year. Though the petitioners contend that the Animal Husbandry Department has given them technical training in veterinary field, the same is disputed by the respondent, and it is contended that the A.P. Livestock Development Agency, which is entirely a different organization, registered under the A.P. (Telangana Area) Public Societies Registration Act, 1350 Fasli, and created under the National Project for Cattle and Buffalo Breeding, Government of India, has given them training in artificial insemination, by spending an amount of Rs.30,000/- on each of them. It is their further case that at the time of training, it was made clear to the petitioners and other Gopala Mitras, that it is purely a self-employment

scheme, and it does not give them any right to claim any benefits, much less regular employment.

Inasmuch as it is the specific case of respondent Nos.1 and 2, that the training underwent by the petitioners as Gopala Mitras, would assist them in taking up self-employment, and it does not given them any right to claim any benefit, much less regular employment, the petitioners cannot be expected to have any grievance with regard to outsourcing the services of Hospital Attendants, and more so when it is the case of respondent Nos. 1 and 2, which is evident from their counter, that the nature of duties being performed by the petitioners and that expected from Hospital Attendants are different.

The petitioners, who are trained in artificial insemination, are eking out their livelihood by undertaking door to door artificial insemination, while the Hospital Attendants, who are sought to be outsourced through respondent No.3, are required to remove the dung, clean, wash and sweep the premises, and function like ward boys attending to cleanliness and sanitation in the veterinary institutions, restrain the animals while administering the vaccines, medicines, treatment of animals by qualified technical staff. The nature of job performed by the petitioners involves technical expertise, while the job to be performed by the outsourced Hospital Attendants, is menial. Therefore, there is no technical expertise involved in the job to be performed by Hospital Attendants.

It is not as if the livelihood of the petitioners is lost by the action of respondent No.1 in seeking to outsource the services of Hospital Attendants. The impugned action of respondent No.1 in seeking to outsource Hospital Attendants, would not come in the way of the petitioners performing their job as Gopala Mitras, who are involved in private artificial insemination. The nature of job to be performed by

Hospital Attendants being different from the job being performed by the petitioners, they cannot have any grievance with regard to the impugned memo. The petitioners, who are trained in artificial insemination, can as usual undertake the selling of artificial insemination to farmers and earn their livelihood.

There is no merit in the writ petitions, and the same are accordingly dismissed. No costs.

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N.V. RAMANA, J.

Date: June, 2007.
KSR